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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,485	08/22/2003	Randall Comfield	ICS-100	8732
7590	02/06/2006		EXAMINER	
Louis Tessier 60 Balfour Mount-Royal, H3P 1L6 CANADA			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,485	COMFIELD, RANDALL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Y. Pahng	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 January 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-60 is/are pending in the application.  
 4a) Of the above claim(s) 1-45 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 46-60 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/17/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group II, claims 46-60, in the reply filed on January 13, 2006 is acknowledged.

### ***Claim Objections***

Claims 46 and 49 are objected to because of the following informalities:

With regard to claim 46, what is "scrappabl" in line 11? It also appears that "scrappable" is not a word either.

With regard to claim 49, the word "scrapped" appears to be spelled incorrectly. Appropriate correction is required.

### ***Double Patenting***

Claims 58 and 59 are objected to under 37 CFR 1.75 as being a duplicate of claims 47 and 48, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3725

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 49, 56, 57, and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 49 and 60, there is no antecedent basis for "said open area" in line 3.

With regard to claim 56, does "in register with said arcuate edge segment" (lines 5 and 6) refer to the discharge aperture arcuate edge segment or the auxiliary area arcuate edge segment?

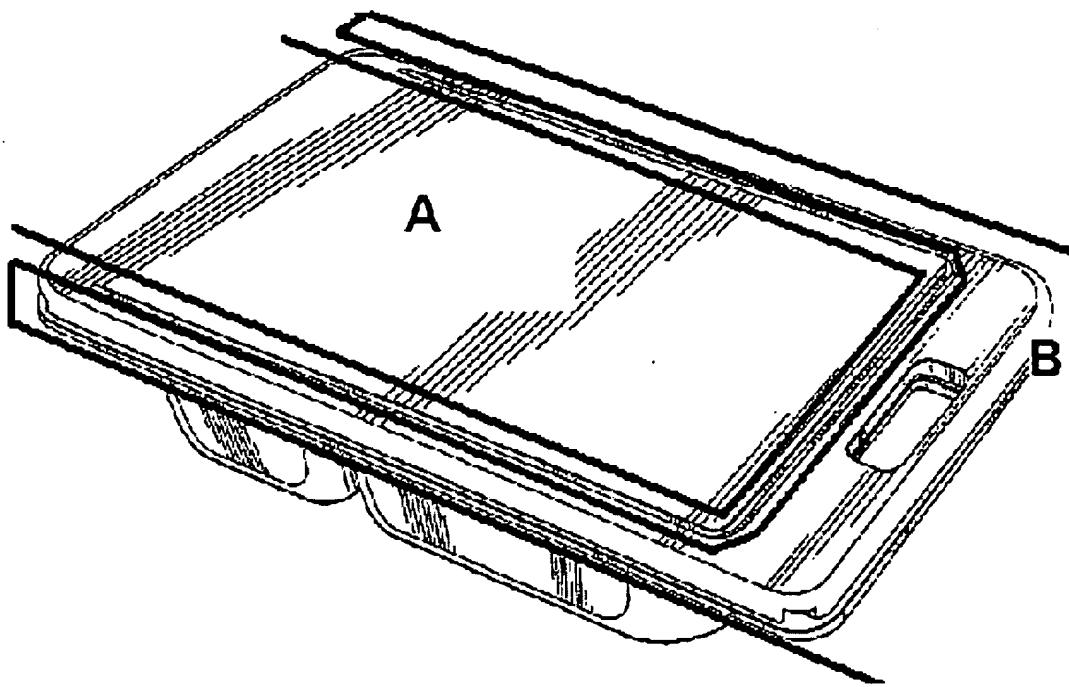
#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 46-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawatsky (US D374,380).



With regard to claim 46, Sawatsky discloses a food cutting board including:

1. a body having a substantially planar working surface (the top surface of the cutting board);
2. the body including a main area (A) and an auxiliary area (B);
3. the main area (A) and the auxiliary area (B) are coplanar;
4. the main area peripheral edge and the auxiliary area peripheral edge have distinct geometrical configurations; and
5. the main (A) and auxiliary areas (B) adapted for or capable of being used for distinct food preparations operations.

With regard to claims 47 and 58, Sawatsky discloses at least part of the auxiliary area (B) forming a protruding portion protruding outwardly from an adjacent portion of the main area (A) peripheral edge.

With regard to claims 48 and 59, Sawatsky discloses the cutting board stably supported when said main area (A) is rested on a supporting surface, wherein the protruding portion (B) is stably positionable over an open area.

With regard to claims 49 and 60, Sawatsky discloses a protruding portion (B) including a discharge aperture extending therethrough.

With regard to claim 50, Sawatsky discloses a main area (A) peripheral edge with at least one substantially rectilinear edge segment, wherein the auxiliary area (B) peripheral edge includes an arcuate edge segment (the four corners, etc).

With regard to claim 51, Sawatsky discloses a substantially rectangular main area (A) and a substantially truncated disc-shaped auxiliary area (B).

With regard to claim 52, Sawatsky discloses an auxiliary area peripheral edge including an arc segment which intercepts one of the lateral edges of the main area.

With regard to claim 53, Sawatsky discloses a discharge aperture configured to allow foodstuff to be scraped therein from the working surface.

With regard to claim 54, Sawatsky discloses a discharge aperture extending through said auxiliary area (B).

With regard to claim 55, Sawatsky discloses a discharge aperture positioned substantially adjacent to said auxiliary area (B) peripheral edge.

With regard to claim 56, Sawatsky discloses arcuate segments of both the auxiliary area peripheral edge and the discharge aperture peripheral edge forming a rim which may be configured to be usable as a handle.

With regard to claim 57, Sawatsky discloses a discharge aperture with a substantially "D" shaped configuration.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP



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